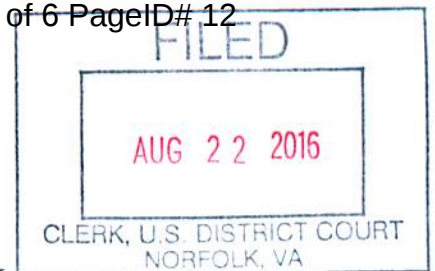


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AFFIDAVIT IN SUPPORT OF APPLICATION  
FOR ISSUANCE OF A CRIMINAL COMPLAINT

2:16mj354

I, James A. Gainer, being first duly sworn state:

1. I am employed as a Detective with the Police Department in the City of Chesapeake, Virginia and a cross-designated Customs Officer with the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE). Your Affiant is employed with the City of Chesapeake, and is currently assigned to the Criminal Investigation Section, Internet Crimes Against Children Task Force since April 2011. Since joining the Chesapeake Police Department in 1999, I have investigated various violations of law ranging from traffic violations to violations of law involving children. I have investigated criminal violations relating to child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256(8)) in all forms of media, including computer media.

2. As a Detective and a cross-designated Customs Officer with the Department of Homeland Security (DHS), Homeland Security Investigations (HSI), your affiant is authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. Your affiant has assisted in the investigation of the offenses described in this affidavit. As a result of your affiant's participation in this investigation and a review of reports made by other law enforcement officers, your affiant is familiar with the circumstances of this on-going investigation. I have not included each and every fact known to me in this affidavit, but only the facts I believe are necessary to establish probable cause to believe Thomas Walter ALMBERG has engaged in the crime of coercion and enticement of a minor, in violation of 18 U.S.C. § 2422(b).

LEGAL AUTHORITY

4. 18 U.S.C. § 2422(b) provides that any person who, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be punished.

5. Virginia Code § 18.2-374.3(D) prohibits any person who uses a communications system, including but not limited to computers or computer networks or bulletin boards, or any other electronic means, for the purposes of soliciting, with lascivious intent, any child he knows or has reason to believe is at least 15 years of age but younger than 18 years of age to knowingly and

intentionally commit any of the activities listed in § 18.2-374.3(C), if the person is at least seven years older than the child. Virginia Code § 18.2-374.3(C) prohibits using a communications system to propose that any child feel or fondle his own sexual or genital parts or genital parts of such person, or proposes to such child the performance of an act of sexual intercourse, anal intercourse, cunnilingus, fellatio, or annilingus. Virginia Code §§ 18.2-374.3(C)(2), (C)(3).

**PROBABLE CAUSE TO ARREST THOMAS WALTER ALMBERG**

6. On April 15, 2016, the Wyoming Police Department in the state of Michigan contacted your affiant with the Chesapeake Police Department about an on-going investigation involving an individual utilizing a communications device to solicit a minor to engage in sexual activity. The minor (hereinafter "Victim 1") was located in Michigan.

7. The Wyoming Police Department obtained the device used by Victim 1, and obtained the contents of the communications with an individual determined to be Thomas W. ALMBERG. ALMBERG was identified based upon personal information shared with Victim 1 during their conversations, as well as a photograph ALMBERG sent to Victim 1 of himself, as detailed below.

8. A forensic examination of Victim 1's electronic device revealed numerous sexually explicit conversations between Victim 1 and ALMBERG utilizing a mobile chat application called Line. Victim 1, a 15 year-old boy, portraying himself as a 16 year-old girl, represented to ALMBERG during many conversations that he was 16 years old. Communications between Victim 1 and ALMBERG started on or about January 28, 2016, and continued through March 29, 2016. ALMBERG used username "Tom Almborg" in his Line conversations with Victim 1. Additionally, ALMBERG referred to himself to Victim 1 as "Tombob" in his Line conversations with Victim 1. ALMBERG was observed during the investigation driving a 2005 Dodge Ram pickup truck bearing Virginia License Plate "TOMBOB."

9. ALMBERG also told Victim 1 that his phone number was [REDACTED]. Legal process on mobile number of [REDACTED] revealed the phone number's carrier as Verizon Wireless, and the subscriber as [REDACTED], at a residence in the City of Chesapeake. [REDACTED] is ALMBERG's wife, from whom he is currently separated.

10. ALMBERG provided additional personal information to Victim 1 via text (on Line?) messages such as his name "Tom Almborg", his age (49 years old), that he lived in Virginia, and that he had recently been involved in a domestic dispute. Further, ALMBERG sent images of his children to Victim 1, and provided his children's names and ages. ALMBERG also texted Victim 1 about his recent promotion to a Lieutenant within the Chesapeake Fire Department, and sent Victim 1 a picture of himself, in which ALMBERG is observed wearing a polo shirt displaying his Chesapeake Fire Department badge.

11. The following are excerpts from the text communications between ALMBERG and Victim 1:

February 2, 2016

Victim1-	What job?
Tom Almberg-	I am a firefighter and paramedic
Victim1-	Woah
Victim1-	Cool
Tom Almberg-	And will be promoted to lieutenant
Victim1-	Lieutenant of fire dept?
Tom Almberg-	I will be in charge of one fire engine and a medic unit

February 18, 2016

Tom Almberg-	lol. You aren't a virgin? Lol. Don't tell me.
Victim 1-	I am
Victim 1-	It might be legal but I'm not taking those risks at 16 years old

February 24, 2016

Victim1-	So I will now, tom how old are you?
Tom Almberg-	Guess. Lol
Victim1-	Two hundred and seventy eight?
Tom Almberg	Close. 49

February 25, 2016

Tom Almberg-	Masturbate much?
Victim 1-	Like every other week
Tom Almberg-	Ok
Victim 1-	I do sometimes at night
Tom Almberg-	Want a secret. Promise not to get mad or anything?
Victim 1-	Sure
Victim 1-	I promise with all my heart
Tom Almberg -	I'm doing it now
Victim 1-	That's okay :) I won't get mad for that
Tom Almberg-	Ok
Tom Almberg-	Still thinking of you on my lap naked.
Victim 1-	If I was there I would let you touch me all over
Victim 1-	Rub my little tits like my boyfriend does :)
Tom Almberg-	Mmmmm. They would get nice and hard in my hands

February 25, 2016

Tom Almberg-	I want to cum in you.
Victim 1-	I want someone inside of me
Tom Almberg-	Would you let me?
Victim 1-	Yes
Tom Almberg-	That would be so hot.
Tom Almberg-	I'd take you.
Tom Almberg-	I'm fixed. So you wouldn't get pregnant

February 26, 2016

Tom Almberg-	Promise to erase a naughty pic if I send?
Victim 1-	Sure
Victim 1-	I promise
Tom Almberg-	You want to see my cock?
Victim 1-	Sure :)
Victim 1-	I can think about it inside of me
Victim 1-	Mmmmm
Victim 1-	Is that a Popsicle?
Victim 1-	I wanna suck on it HAHAHAH
Tom Almberg-	I'd love for you to

February 28, 2016

Tom Almberg-	Let me eat your pussy
Victim 1-	Okay
Victim 1-	Anything you want with me
Tom Almberg-	I'd slide a finger in your ass
Victim 1-	Mmmm
Tom Almberg-	Ever have that done?
Victim 1-	No
Tom Almberg-	When I spank you. I'll finger your ass after
Victim 1-	:) mmmm
Tom Almberg-	Then eat your pussy a lot

February 28, 2016

Tom Almberg-	Mmmmmm. Yes baby girl. Cum for daddy
Victim 1-	Eat me more
Tom Almberg-	Yes. I'd bite your clit
Victim 1-	Oooh
Victim 1-	I stuck a vibrator on my clit last night
Tom Almberg-	Then fuck your pussy with my tongue.

March 03, 2016

Tom Almberg-	You think we can go 20 years and not meet?
Victim 1-	Lol maybe so maybe not
Tom Almberg	What do you want?
Victim 1-	I don't know
Victim 1-	I know you're amazing but my mom would never let me drive down there, or let me see you here
Tom Almberg	But we can wait till you are 18 and you are in college.
Victim 1-	Yeah
Tom Almberg	And I'll come meet you in college.
Victim 1-	:)
Tom Almberg	My college girl

March 03, 2016

Tom Almberg-	I love you.
Tom Almberg-	Send me a pic
Victim 1-	I love you too
Tom Almberg-	

Tom Almberg sent Victim 1 photo 3976183050416.jpg (image of ALMBERG in his Firefighter shirt)

Victim 1-	:)
Victim 1-	Why a pic? :)
Tom Almberg-	I need my baby girl

12. On May 25, 2016 your affiant and HSI Special Agent Wolpert located ALMBERG shortly after he exited his Fire House. ALMBERG was stopped by a marked Chesapeake Police vehicle. Your affiant approached ALMBERG and informed him that investigators would like to ask him questions regarding and ongoing investigation. ALMBERG agreed to answer questions and was escorted to your affiant's unmarked police vehicle. Your affiant advised ALMBERG of his *Miranda* rights in which he stated he understood and agreed to talk. During the interview ALMBERG admitted to chatting with Victim 1 utilizing the mobile application Line. ALMBERG admitted to having "bad" conversations with Victim 1 and sending sexually explicit images of his penis to the minor using his (ALMBERG's) cell phone. ALMBERG also advised he knew Victim 1 was only 16 years old.

13. During the interview ALMBERG admitted to chatting with another 16 year-old minor and had recently drove to Elizabeth City, North Carolina, to meet her at a restaurant where she worked. At the conclusion of the interview ALMBERG was placed under arrest and transported to the Chesapeake City Jail for further processing.

14. Your affiant and HSI Special Agent Wolpert were able to locate and interview the 16 year old minor ALMBERG referenced during his interview on May 25, 2016. This minor

(hereinafter "Victim 2") stated she met ALMBERG on a social media website where she advised him that she was 16 years old. Victim 2 also stated she sent sexual explicit images of herself following ALMBERG's request for the images, and had also received sexually explicit images of a penis from ALMBERG. Victim 2 confirmed ALMBERG traveled to her workplace to meet her, and suggested that they go to a hotel together in order to have sexual intercourse. Victim 2 declined this suggestion.

15. Following legal process, an examination was conducted on all the involved seized devices and online accounts. The examination revealed similar images/content on ALMBERG's devices/accounts that are consistent with the images/content of Victim 1's devices.

16. Based on the information and evidence set forth above, your affiant respectfully submits that there is probable cause to believe that from on or about January 28, 2016, to March 29, 2016, in the City of Chesapeake, in the Eastern District of Virginia, and elsewhere, Thomas W. ALMBERG, using a facility or means of interstate or foreign commerce, knowingly persuaded, induced, enticed, and coerced Victim 1, an individual who had not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, namely a violation of Virginia Code 18.2-374.3(D), or attempted to do so, in violation of Title 18, United States Code, Section 2422(b).

17. Accordingly, I request that a criminal complaint and arrest warrant be issued.

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CPD Detective James A. Gainer  
Homeland Security Investigations  
Norfolk, VA

Subscribed and sworn to before me this \_\_\_\_\_ day of August, 2016.

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The Honorable Robert J. Krask  
United States Magistrate Judge  
Eastern District of Virginia